

# **EXHIBIT**

# **B**

Page 1

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH DIVISION

R. CATHY REARDON, )  
On behalf of herself and )  
all similarly situated )  
individuals, )

)  
Plaintiffs, )

-vs- ) No. 2:08cv1730GLL

)  
CLOSETMAID CORPORATION and )  
EMERSON ELECTRIC CO., )

)  
Defendants. )

-----  
DEPOSITION OF: CATHERINE B. BEAL  
-----

DATE: August 27, 2009  
Thursday, 9:00 a.m.

LOCATION: OGLETREE DEAKINS NASH  
SMOAK & STEWART, P.C.  
Suite 400  
Four Gateway Center  
444 Liberty Avenue  
Pittsburgh, PA 15222

TAKEN BY: Plaintiffs

REPORTED BY: Nina Warren Biehler  
Notary Public  
Reference No. NB14437

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1 APPEARANCES: (CONTINUED)  
2 FOR THE DEFENDANTS: (CONTINUED)  
and

3 Jeffrey R. Carius  
4 EMERSON  
Suite 220  
3300 Arapahoe Avenue  
5 Boulder, CO 80303  
P 303-440-0297

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1 DEPOSITION OF CATHERINE B. BEAL,  
a witness, called by the Plaintiffs for examination,  
2 in accordance with the Federal Rules of Civil  
Procedure, taken by and before Nina Warren Biehler, a  
3 Court Reporter and Notary Public in and for the  
Commonwealth of Pennsylvania, at the offices of  
4 Ogletree Deakins Nash Smoak & Stewart, P.C., Suite  
400, Four Gateway Center, 444 Liberty Avenue,  
5 Pittsburgh, Pennsylvania, on Thursday, August 27,  
2009, commencing at 9:09 a.m.

6  
7  
8  
9 APPEARANCES

10 FOR THE PLAINTIFFS

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25

Page 4

1 CATHERINE B. BEAL,  
2 having been duly sworn,  
3 was examined and testified as follows:

4  
5 EXAMINATION  
6

7 BY MR. PIETZ:

8 Q. Ma'am, my name is Jim Pietz, I'm one of the  
9 plaintiffs' counsel in this case, Reardon  
10 versus ClosetMaid.

11 A. [REDACTED]

12 Q. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. And when you say you work for them, what duties

1 (Pages 1 to 4)

Page 5

1 and responsibilities do you have to Emerson  
2 Electric?

3 A. None, we are autonomous in nature; but it is  
4 our parent company.

Page 7

1 MS. DANAHER: And if I could just add  
2 for the record, I understand that there are a  
3 lot of lawyers in the room, but if we could  
4 focus on one lawyer to question one witness,  
and if we have interruptions we can just do  
them as asides off the record and then have the  
questions come from one --

MR. NORTH: I wasn't asking her a  
question, I was just trying --

MS. DANAHER: I understand.

MR. NORTH: -- to be helpful. I  
heard her say Emerson three times and, you  
know, I'm not sure the record would reflect  
what she's referring to.

MS. DANAHER: And I appreciate that,  
but I'm just putting on the record I'd prefer  
to have the questions come from Jim.

Thank you.

BY MR. PIETZ:

Q. Are you familiar with the allegations that have  
been made in this lawsuit?

A. Can you clarify, please? Which allegations?

Q. Well, the -- have you seen the complaint in  
this case?

A. Yes.

Page 8

MR. NORTH: Excuse me, one second,  
I'm sorry.

When she keeps referring to Emerson,  
are we talking about Emerson Electric? I think  
that we need to make that clear, as opposed to  
Storage Solutions or some other Emerson that  
might be out there. I don't mind you -- we  
don't mind you referring to Emerson, as long as  
we understand it's Emerson Electric, the parent  
company.

MS. DANAHER: So let's wait for Jim  
to ask you the question.

BY MR. PIETZ:

Q. Okay. And what's your understanding of the  
claims that have been made in there?

A. On Cathy Reardon?

Q. Just what's your understanding of, in a  
nutshell, of what the claims being made in the  
case are?

A. That Cathy Reardon was not hired based on her  
background.

Q. Do you have an understanding as to the -- is  
there any claim made about the procedures being  
used by ClosetMaid?

A. There's a question about the procedures that's  
being used.

Q. And what's your understanding of those claims?

A. That we used inappropriate form or something of  
that nature.

Q. You understand that today you're testifying  
here as a corporate representative for  
ClosetMaid; is that right?

A. Yes.

Q. And you understand that since you are  
testifying as the corporate representative  
you're not -- you're not testifying in your  
individual capacity, but any testimony you give  
will bind ClosetMaid; do you understand that?

2 (Pages 5 to 8)

Page 9

1 A. Yes.  
 2 Q. Have you had occasion to give a deposition  
 3 before?  
 4 A. Yes.  
 5 Q. Okay. In what connection was that?  
 6 A. A criminal case. And workers' comp cases.  
 7 Q. Okay. So you have some understanding of some  
 8 of the general rules here, you know, when I ask  
 9 a question if you don't understand what I'm  
 10 asking, please let me know and I'll be happy to  
 11 rephrase it.  
 12 A. Okay.  
 13 Q. Also, you understand that the court reporter  
 14 here is taking down my question and your  
 15 answer, so let me finish my question before you  
 16 start your answer, you understand that?  
 17 A. Okay.  
 18 MR. PIETZ: Okay, let's mark this as  
 19 Exhibit No. 1, which is the notice.  
 20 ----  
 21 (Exhibit No. 1 marked for identification.)  
 22 ----  
 23 BY MR. PIETZ:  
 24 Q. Showing you what we've marked as Exhibit No. 1,  
 25 you recognize -- do you recognize this

Page 10

1 document?  
 2 A. Yes.  
 3 Q. Have you had occasion to review it prior to  
 4 your deposition here today?  
 5 A. Yes.  
 6 Q. And do you see it lists a number of topics  
 7 here?  
 8 A. Yes.  
 9 Q. Are you papered today to testify with respect  
 10 to each of these subjects?  
 11 A. To the best of my ability, yes.  
 12 Q. Did you do anything in preparation for coming  
 13 here today to testify on these topics?  
 14 A. Some, yes.  
 15 Q. What did you -- can you just tell me generally  
 16 what you did?  
 17 A. We reviewed some documents that were submitted  
 18 to you.  
 19 Q. Okay. And those are documents that were  
 20 submitted that we requested as part of the  
 21 discovery in this case?  
 22 A. That is correct, they were submitted to our  
 23 attorney.  
 24 Q. Can you tell me what the nature of the business  
 25 is at ClosetMaid?

Page 11

1 A. We make storage products, closets, shelving,  
 2 pantry shelving, some wood products, shower  
 3 caddies, miscellaneous storage.  
 4 Q. And where is ClosetMaid located?  
 5 A. ClosetMaid's headquarters?  
 6 Q. Yes.  
 7 A. Ocala, Florida.  
 8 Q. And are there other areas where they do  
 9 business or have offices?  
 10 A. They do have offices in Grantsville, Maryland.  
 11 Q. Okay.  
 12 A. Chino, California. We have distribution  
 13 centers in Tacoma, Washington and Belle Vernon,  
 14 Pennsylvania.  
 15 Q. Anywhere else?  
 16 A. That's all, as far as the U.S. is concerned.  
 17 Q. How many employees does ClosetMaid have?  
 18 A. A little over a thousand, I don't have the  
 19 exact number.  
 20 Q. And that's in all these locations you just  
 21 described?  
 22 A. Yes.  
 23 Q. Okay. And what type of employees, generally?  
 24 A. More general labor, some professional, a few  
 25 sales.

Page 12

1 Q. Any other types of employees?  
 2 A. Warehouse workers.  
 3 Q. Now, with respect to these employees, can you  
 4 explain to me how the human resources function  
 5 operates with respect to -- with respect to  
 6 them?  
 7 A. Can you be more specific? I mean, that's  
 8 pretty broad.  
 9 Q. Okay. Is there a human resources department  
 10 that handles the employment of these employees?  
 11 A. Yes.  
 12 Q. And what, generally, do they do, that  
 13 department?  
 14 A. The employment?  
 15 Q. Right.  
 16 A. They receive requisitions, employment  
 17 requisitions, which is an internal document  
 18 approving the hire of that position. Once they  
 19 have the approval of hiring the position they  
 20 sit down with the hiring manager and determine  
 21 what they're looking for in a particular  
 22 position.  
 23 Then we develop a recruiting plan on  
 24 how we're going to recruit, is it going to be  
 25 internal, is it going to be external. And then

3 (Pages 9 to 12)

Page 13

1 we determine, you know, what needs to be done  
2 at that point in time. Then we accept the  
3 resumes, applications, it depends, you know, of  
4 the position.

5 MR. PIETZ: Okay. Well, we'll get to  
6 that in a second. Let's get back to the issue  
7 of -- some charts were produced in connection  
8 with this litigation, let's take a look at  
9 those.

10 ----  
11 (Exhibit No. 2 marked for identification.)  
12 ----

13 MR. PIETZ: This would be Exhibit 2.

14 BY MR. PIETZ:

15 Q. Okay, looking at Exhibit 2, there's a series of  
16 documents here, but can you generally describe  
17 what these are?

18 A. They're internal ClosetMaid organizational  
19 charts.

20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

Page 14

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 Q. [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

Page 15

1 don't know specifically.

2 Q. Does he have responsibilities for this entity  
3 known as Emerson Storage Solutions?

4 A. I'm not positive.

5 Q. What is Emerson Storage Solutions?

6 A. It's a branding.

7 Q. What does that mean, branding?

8 A. Just like Emerson is a name, ClosetMaid is a  
9 name, it was a group of our division that  
10 actually was going to be known as Emerson  
11 Storage Solutions.

12 Q. The way you're answering it sounds like it's  
13 the past tense.

14 A. There was a lawsuit where we had to dismantle  
15 using that term, because there's another  
16 company out there that used something, and the  
17 agreement was we no longer use Emerson Storage  
18 Solutions.

19 Q. I see. And Emerson Storage Solutions, though,  
20 it connoted a group of companies underneath or  
21 subsidiaries of Emerson Electric; is that  
22 right?

23 A. I'm not really familiar with who it included,  
24 but I know that ClosetMaid was using Emerson  
25 Storage Solutions for a short period of time.

Page 16

1 Q. Actually using that name, instead of  
2 ClosetMaid?

3 A. No, we never dismantled ClosetMaid.  
4 ClosetMaid's the brand.

5 Q. Okay.

6 A. But in trying to describe more about what we  
7 do, I believe marketing, I'm not positive, came  
8 up with Emerson Storage Solutions --

9 Q. I see.

10 A. -- but it did not fly.

11 Q. How long have you been with ClosetMaid?

12 A. Thirteen years.

13 Q. So tell me about how you -- what was your first  
14 position at ClosetMaid?

15 A. An HR manager.

16 Q. HR manager. And then when was that that you  
17 began, what year?

18 A. September of '96.

19 Q. And at that time was ClosetMaid part of Emerson  
20 Electric or a subsidiary?

21 A. Yes.

22 Q. When was, to your knowledge, ClosetMaid  
23 acquired by Emerson Electric?

24 A. I don't remember the specific dates. We were  
25 part of a joint venture at one point with

4 (Pages 13 to 16)

Page 17

1 Vermont American when I first started, that was  
2 owned by ClosetMaid -- or owned by Emerson.  
3 Q. All right, well, tell me, then, more about your  
4 positions within ClosetMaid.

5 A. I was the HR manager. At a later date, and I  
6 don't remember exactly when, I was promoted to  
7 director of human resources. And, eventually,  
8 vice-president of human resources.

9 MR. PIETZ: Let's mark this as  
10 Exhibit 3.

11 ----  
12 (Exhibit No. 3 marked for identification.)

13 ----  
14 MR. PIETZ: I show you what we marked  
15 as Exhibit 3.

16 MR. SMOCK: Could we go off the  
17 record for a minute, Jim?

18 ----  
19 (There was a discussion off the record.)

20 ----  
21 BY MR. PIETZ:

22 Q. I'm showing you what we've marked as Exhibit 3,  
23 and this is a -- just to let you know,  
24 something we found on the Internet from a  
25 website called Jigsaw.com. Are you familiar

Page 19

1 Okay, let's look at the next page  
2 here, which is Bates stamped No. 238. This  
3 indicates it's the Human Resources  
4 Organizational Chart. Can you tell me what  
5 this document is?

6 A. It was -- as of May '09 this was the human  
7 resources department.

8 Q. For?

9 A. ClosetMaid.

10 Q. And you're the head of the human resources  
11 department of ClosetMaid?

12 A. That is correct.

13 Q. How long have you been here?

14 A. I think -- I don't know exactly, I think 2001.

15 Q. Now, it lists another person here, Pat Dameron,  
16 and it lists her as Director of Human Resources  
17 Corporate. What is her duties and  
18 responsibilities?

19 A. She reports directly to me.

20 Q. Okay.

21 A. And assists me in working with these other  
22 facilities that ClosetMaid is responsible for.

23 Q. And those are the facilities around the country  
24 that you described in the United States?

25 A. Yes.

Page 18

1 with that website?

2 A. No.

3 Q. Have you seen this before?

4 A. No.

5 Q. Do you see that it lists your name there?

6 A. Yes.

7 Q. And it lists you as vice-president of human  
8 resources?

9 A. Yes.

10 Q. For -- and your business card indicates Emerson  
11 Electric Company on that website.

12 A. Okay.

13 Q. Is that your email address?

14 A. Yes.

15 Q. And that's Emerson -- that address there, what  
16 is that address that's listed?

17 A. That's where my office is.

18 Q. And that phone number there, is that your phone  
19 number?

20 A. Yes. That is the main telephone number.

21 Q. For whom?

22 A. ClosetMaid.

23 Q. 352 that's an area code --

24 A. Yes.

25 Q. -- for Ocala?

Page 20

1 Q. And there's a Jennifer Boring listed as human  
2 resources manager for Ocala.

3 A. That's correct.

4 Q. And what's her responsibility?

5 A. She is responsible for Ocala, slash, CMNA.

6 Q. What's CMNA?

7 A. ClosetMaid North America.

8 Q. Now, do all these -- the persons we just  
9 identified, do they also have Emerson email  
10 addresses?

11 A. Yes.

12 MR. PIETZ: Let's mark this as  
13 Exhibit 4.

14 ----  
15 (Exhibit No. 4 marked for identification.)

16 ----

17 BY MR. PIETZ:

18 Q. Exhibit 4, just to let you know, is something,  
19 again, we downloaded from a website,  
20 Monster.com. It appears to be a listing for a  
21 human resources manager.

22 Are you familiar with that  
23 advertisement?

24 A. I know we recruited for that position. It is  
25 not my job to post an ad.

5 (Pages 17 to 20)

Page 21

1 Q. Okay. Would that have been Pat Dameron's  
2 responsibility?  
3 A. Yes.  
4 Q. And that is Pat Dameron's email address that is  
5 listed there?  
6 A. That is correct.  
7 Q. And that's an Emerson email address; is that  
8 correct?  
9 A. That is correct.  
10 Q. And the next chart at 239, Bates No. 239,  
11 again, that's another organizational chart,  
12 apparently for -- it says, Ocala/CMNA?  
13 A. That's correct.  
14 Q. Can you tell me what that is?  
15 A. That is the same chart that we discussed  
16 earlier, Jennifer Boring is the human resource  
17 manager for ClosetMaid Ocala and ClosetMaid  
18 North America.  
19 Q. Okay. In connection with the documents that  
20 were put together and produced in this  
21 litigation, did Jennifer Boring have some  
22 responsibility?  
23 A. Yes.  
24 Q. And what was that?  
25 A. She put most of the documents together.

Page 22

1 Q. Did there come a point in time in that process  
2 where you learned that additional documents had  
3 to be produced? Or supplemental documents had  
4 to be produced?  
5 A. During the transition or the time period Maria  
6 would occasionally --  
7 MS. DANAHER: Hold on just a second.  
8 I would prefer that you don't mention anything  
9 that we specifically talked about. But if you  
10 can answer this question by giving him general  
11 information, which was the yes or no question,  
12 then you can do that.  
13 THE WITNESS: Yes.  
14 BY MR. PIETZ:  
15 Q. Okay, I'm not asking for anything, you know,  
16 your attorney told you, I just want to know  
17 what did you understand has happened with  
18 respect to this production of documents. Why  
19 was there a need to produce more documents, to  
20 your understanding?  
21 A. You had requested them.  
22 Q. Okay. Did Jennifer Boring, when she was doing  
23 -- producing the documents here, did she only  
24 produce documents that were limited to the  
25 Ocala location and --

Page 23

1 A. That is all that she is responsible for.  
2 Q. I see. And so when that initial production was  
3 made it was limited only to Ocala?  
4 A. Yes. And ClosetMaid North America.  
5 Q. What's the difference between -- or what's  
6 ClosetMaid North America?  
7 A. ClosetMaid North America is our sales positions  
8 throughout the country.  
9 Q. Okay.  
10 A. And the drivers.  
11 Q. I see. But it doesn't include those other  
12 locations that you had described earlier,  
13 Chino, Grantsville --  
14 A. No.  
15 Q. -- Belle Vernon?  
16 A. No.  
17 Q. Okay, let's go now to 240. And can you tell me  
18 what that document is?  
19 A. It's an organizational chart for Chino,  
20 California.  
21 Q. And then 241?  
22 A. It is an organizational chart for our Canada  
23 facility, which is no longer in existence.  
24 Q. Okay. And then, finally, 242, that would be  
25 the chart for Grantsville --

Page 24

1 A. That's correct.  
2 Q. -- Maryland. Okay.  
3 MR. PIETZ: Let's mark this as  
4 Exhibit 5.  
5 ----  
6 (Exhibit No. 5 marked for identification.)  
7 ----  
8 BY MR. PIETZ:  
9 Q. I'm showing you what we've marked as Exhibit 5,  
10 and I'll represent to you that these are some  
11 screen shots that we printed from the Emerson  
12 website, Emerson.com.  
13 Are you familiar with the Emerson  
14 website?  
15 A. I know it's in existence.  
16 Q. Have you had occasion to go on it and review  
17 it?  
18 A. I don't go on it.  
19 Q. You don't go on it at all?  
20 A. No.  
21 Q. Okay. Okay, do you see that first page on  
22 Exhibit 5? In there it uses the term, Emerson  
23 Storage Solutions. Is that what your  
24 understanding -- does this describe -- and I'm  
25 sorry, strike that question.

6 (Pages 21 to 24)

Page 25

1 Does this explain what Emerson  
2 Storage Solutions was?

3 MS. DANAHER: I'm going to object  
4 just to the extent that she said that she  
5 doesn't go on this website, and because this is  
6 multiple pages I'm concerned that she may be  
7 answering a question that she's not fully  
8 informed about. So to that extent I object.

9 You can answer if you can.

10 BY MR. PIETZ:

11 Q. I'm just asking about the first page. Looking  
12 at the first page, does this describe what was  
13 your understanding of what Emerson Storage  
14 Solutions is?

15 MS. DANAHER: Let me just add one  
16 more objection. Because we've already defined  
17 Emerson as Emerson Electric, and I understand  
18 what you're doing here, but I'm just concerned  
19 that we're stretching beyond the scope of this  
20 30(B)(6). She's here with respect to  
21 ClosetMaid and ClosetMaid's relationship to  
22 Emerson Electric, as Mr. North has pointed out,  
23 and so I'm concerned that we're stretching  
24 beyond the scope of the 30(B)(6). I'm not  
25 telling her not to answer, but I am putting an

Page 26

1 objection on the record, because I think it  
2 goes a little afield of what we're here to do.

3 MR. PIETZ: Well, this does mention  
4 ClosetMaid.

5 MS. DANAHER: I'm fine, Jim, I didn't  
6 tell her not to answer. I just want to make  
7 sure that my objection is on the record.

8 THE WITNESS: I'm not familiar with  
9 all the detail.

10 BY MR. PIETZ:

11 Q. Okay, going on to the second page. And this is  
12 a document that appears to list the executive  
13 leadership for Emerson.

14 Are you familiar with these persons  
15 and their role at Emerson?

16 A. Some of them.

17 Q. And this lists Patrick Sly. Second to the last  
18 person there.

19 A. That is correct.

20 Q. And he's listed as the executive  
21 vice-president, Emerson Storage Solutions &  
22 Professional Tools.

23 A. Okay.

24 Q. Is that -- we talked about him earlier. Is  
25 that, to your understanding, what his title is?

Page 27

1 MS. DANAHER: Asked and answered,  
2 objection.

3 MR. PIETZ: I thought she had  
4 answered that she wasn't sure what his title  
5 was?

6 MS. DANAHER: That's right, she said  
7 she didn't know, and I'm --

8 BY MR. PIETZ:

9 Q. Well, does this refresh your recollection as to  
10 what his title is?

11 A. I can't guarantee it. As I stated earlier, I  
12 thought it was executive vice-president, so  
13 that's similar.

14 Q. Okay, let's go back to what you started talking  
15 about earlier.

16 Can you -- in your role as the head  
17 of human resources, you're familiar with the  
18 policies and procedures for interviewing and  
19 recruiting clients?

20 A. Yes.

21 Q. Okay. Can you just tell me, generally, how  
22 that process works with respect to ClosetMaid?

23 A. As far as recruiting?

24 Q. Recruiting and interviewing, finding and  
25 recruiting employees. Just generally, I'm not

Page 28

1 asking for --

2 A. For all the details?

3 Q. Right.

4 A. We receive a requisition that it's approved to  
5 hire. And then we meet with the hiring  
6 manager. We determine what they're looking  
7 for, versus the job description. And then once  
8 that has been decided we develop a recruiting  
9 plan as to if we're going to run an ad, if it's  
10 internal, and we post it accordingly.

11 Q. Okay. And then the next step is what, in that  
12 process, once it's posted and you have a  
13 potential recruit?

14 A. They would interview the individuals, usually  
15 by phone, initially, if they are external. If  
16 not, if it's internal, we would interview them  
17 locally, determine if they are what we call  
18 good standing, which means they have a good  
19 record, in general. If it's internal at that  
20 point, if they are eligible, the hiring manager  
21 may interview the individual. We -- if they  
22 are selected for the job we give them an offer  
23 letter.

24 Q. Okay, you've used the term external and  
25 internal, what does that mean?

7 (Pages 25 to 28)



Page 29

1 A. Internal would be someone that may be promoted  
2 or transferred into this job that's already  
3 working within ClosetMaid.  
4 Q. Okay. Would that -- what about with respect to  
5 Emerson Electric or any of its subsidiaries?  
6 A. No.  
7 Q. Is that considered internal?  
8 A. No.  
9 Q. And external is someone?  
10 A. That does not work for ClosetMaid.  
11 Q. And you used the phrase, determine that they  
12 are in good standing?  
13 A. That's an internal terminology.  
14 Q. And what does that mean?  
15 A. Basically they don't have a lot of write-ups,  
16 disciplinarys.  
17 Q. So that term applies to a person from inside  
18 ClosetMaid --  
19 A. That is correct.  
20 Q. Okay, based upon their employment file?  
21 A. Correct.  
22 Q. Okay. Now, is there a point in this process  
23 where, as a matter of practice and procedure,  
24 that ClosetMaid seeks to obtain a consumer  
25 report or background check on an employee or a

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1 prospective employee?  
2 A. Yes.  
3 Q. Okay. Can you tell me what that process is or  
4 how that works?  
5 A. Once the individual has been interviewed on the  
6 phone or locally and they're determined to be a  
7 potential candidate, they're qualified,  
8 first-line basis, they're qualified for the  
9 position, then at that point in time we would  
10 give them documents to perform a background  
11 check.  
12 Q. Okay. And with respect to the documents, what  
13 are you -- what documents are you referring to?  
14 A. The release for the background.  
15 Q. And what else?  
16 A. The FCRA information.  
17 Q. Okay. And are these form documents?  
18 A. Yes.  
19 Q. Okay. And when did you first become aware that  
20 these form documents were used for purposes of  
21 consumer reports and FCRA?  
22 A. Early -- I don't remember. I mean, several  
23 years ago.  
24 Q. Well, you started in '97 in human resources.  
25 Did you have -- become aware of them at that

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1 point, when you began working?  
2 A. I believe it was after that.  
3 Q. Okay.  
4 A. 2000, 2001, I don't know. And maybe 2000.  
5 Yeah, I don't know. I can't remember  
6 specifically.  
7 Q. Okay. Do you remember the occasion you had to  
8 become aware of that?  
9 A. I don't remember.  
10 Q. Well, as head of the human resources at  
11 ClosetMaid do you have any duties and  
12 responsibilities with respect to these forms?  
13 A. Yes.  
14 Q. And what's that?  
15 A. I mean, we have to abide by the law and we go  
16 to seminars. We use services.  
17 Q. When you say, services, what do you mean?  
18 A. Bureau of Labor Reporting, BLR; Aer Employer  
19 associations. Various things that keep us  
20 abreast of what's going on in laws and  
21 regulations.  
22 Q. And whose responsibility is it to do that, with  
23 respect to these forms?  
24 A. Basically, me.  
25 Q. And in that connection did you do anything in

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1 your tenure at ClosetMaid to go back and  
2 examine the forms to determine whether or not  
3 they were in compliance with the law?  
4 A. Yes.  
5 Q. And tell me what you did.  
6 A. We researched various forms on the websites,  
7 the legal websites.  
8 Q. The forms that you -- that were -- that were  
9 used, that you described, these documents, can  
10 you tell me where they came from?  
11 A. No, it was too long ago.  
12 Q. Were you involved in their creation?  
13 A. I worked with my management to create them,  
14 yes.  
15 Q. And who did you work with to create them?  
16 A. I don't remember.  
17 Q. When was that?  
18 A. Again, I don't remember the time frame. So  
19 whoever the HR manager was at the time.  
20 Q. Was that someone that you reported to or --  
21 A. No, they reported to me.  
22 Q. Okay. To your knowledge, the documents that  
23 we're referring to, how long have they been in  
24 use at ClosetMaid?  
25 A. The specific, I'm not sure. For several years.

8 (Pages 29 to 32)

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1 Q. And the documents that you're referring to, are  
2 they standard documents that are used in all  
3 the areas of the company that you described,  
4 you know, Grantsville, Chino, Belle Vernon, et  
5 cetera?

6 MS. DANAHER: I'm just going to  
7 object because the question is awfully broad in  
8 terms of time frame. She's been there for a  
9 number of years.

10 But if you can answer that, go ahead.

11 THE WITNESS: In general, yes.

12 BY MR. PIETZ:

13 Q. Have they changed over time with respect to  
14 form?

15 A. There are certain forms in California that are  
16 different than Ocala.

17 Q. Okay.

18 A. They may have changed a little over time, I  
19 cannot confirm. We are constantly looking at  
20 updating various documents.

21 Q. With respect to the forms, did you -- did you  
22 obtain legal advice with respect to the  
23 legality of these forms?

24 A. I don't recall at the time.

25 Q. Is there in-house counsel at ClosetMaid?

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1 A. No.

2 Q. Who handles the -- that function of whether or  
3 not forms that are being used by ClosetMaid  
4 comply with the law?

5 A. Basically, me.

6 Q. Okay. Is there an in-house counsel function  
7 that would govern ClosetMaid?

8 A. No.

9 Q. Does -- is there an in-house counsel function  
10 at Emerson that oversees ClosetMaid?

11 A. Oversees?

12 Q. Yes.

13 A. No.

14 Q. Do you -- is there an outside counsel that you  
15 have access to --

16 A. No.

17 Q. -- to determine?

18 So with respect to the forms that are  
19 being used, who has -- what is the approval  
20 process for use of those forms? Can you  
21 describe that for me?

22 A. As I stated earlier, we research through  
23 various avenues to determine what forms we need  
24 to use. We go to government websites, we go to  
25 legal websites and I confer with the HR manager

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1 and we come up with a form.

2 Q. Have you ever submitted those forms to anyone  
3 at Emerson for their review?

4 A. I don't remember.

5 Q. Did you contact anyone at Emerson for  
6 consultation with respect to the appropriate  
7 type of form?

8 A. I can't remember specifically.

9 Q. Did you contact anyone at Emerson or any of its  
10 other subsidiaries about the forms that they  
11 use?

12 A. I don't deal with the other subsidiaries.

13 Q. My question was, did you ever contact them in  
14 that regard?

15 A. I don't know. I don't contact the other  
16 subsidiaries.

17 Q. But my question is specifically with respect to  
18 these forms.

19 A. No.

20 Q. So you were never curious as to what these  
21 other companies do?

22 A. No.

23 Q. In connection with this notice of deposition,  
24 did you go and examine the forms that they use,  
25 with respect to this deposition?

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1 A. Who is, they?

2 Q. These other -- Emerson and their other  
3 subsidiaries.

4 A. No. I have no responsibility to them, nor do  
5 they have responsibility to me.

6 Q. Do you have -- can you look at our Exhibit 1?  
7 Can you look at No. 8 on Exhibit 1?

8 A. Okay.

9 Q. In preparing for your deposition today what did  
10 you do in connection with No. 8?

11 A. Nothing.

12 Q. You did nothing?

13 A. I did nothing. They are not -- as I stated  
14 earlier, we do not -- I don't contact other  
15 subsidiaries. I am responsible for ClosetMaid.

16 Q. But this asks that you know and do that.

17 MS. DANAHER: I object, because I

18 think that's an interpretation. It just says  
19 -- she's testifying with respect to her  
20 knowledge as to the extent to which the  
21 applications for employment used by ClosetMaid  
22 are used by other subsidiaries. She's coming  
23 with her own knowledge and she's letting you  
24 know that.

25 And, Jim, I'm sorry, if you don't

9 (Pages 33 to 36)

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1 like the answer, I'm sorry, but we can't put  
2 knowledge into her head.

3 MR. PIETZ: Well, it's her duty to  
4 determine what ClosetMaid's knowledge is, not  
5 her own. And to that extent this is asking for  
6 ClosetMaid's knowledge.

7 MS. DANAHER: Exactly right. And she  
8 has ClosetMaid's knowledge and she just told  
9 you, as VP of HR, if she doesn't coordinate and  
10 make sure that they all use the same form,  
11 that's just a fact.

12 BY MR. PIETZ:

13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]

6 Q. And what was that in connection with?

7 MS. DANAHER: And, again, the same  
8 objection, you don't need to go into detail,  
9 but you can answer his question generally.

10 THE WITNESS: I use them for guidance  
11 or advice. I can't --

12 BY MR. PIETZ:

13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

18 Q. Now, the policies and practices used for --  
19 that we're talking about for obtaining consumer  
20 reports about prospective or current employees,  
21 is that the same for any type of employee, you  
22 know, whether they're professional or truck  
23 driver, hourly, salaried, is it the same?

24 A. No.

25 Q. And what -- how is it different?

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1 A. We -- as an example, we do not request specific  
2 information on credit for anyone that it  
3 doesn't apply. If they're not going to have  
4 company credit cards or be in a significant  
5 managerial role we don't get into their credit.

6 Q. Okay.

7 A. So it depends on the job.

8 Q. Any other differences?

9 A. Truck drivers, there's more specific  
10 information we have to get.

11 Q. But is it fair to say that on all types of  
12 prospective employees there's some form of  
13 consumer report that's typically ordered?

14 A. Yes.

15 Q. And what about with respect to a current  
16 employee, is that different in any way?

17 A. We do not do another report if they're already  
18 current, they've already been hired.

19 Q. And that -- you just rely on their employee  
20 file.

21 A. That is correct.

22 ----

23 (Exhibit No. 6 marked for identification.)

24 ----

25 BY MR. PIETZ:

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1 Q. Showing you what we've marked as Exhibit 6, can  
2 you identify this document?

3 A. This is a standard operating procedure that we  
4 used in 2006.

5 Q. For what?

6 A. For recruiting.

7 Q. And in only 2006?

8 A. It may have been tweaked since then. I know  
9 that it was created as dated, in 2006, this  
10 particular document.

11 Q. Okay, so this is dated, am I correct, April  
12 25th, 2006?

13 A. That is correct.

14 Q. And it supersedes a prior procedure that was  
15 dated May of 2004?

16 A. That is correct.

17 Q. And is this -- this indicates it's for salaried  
18 recruiting procedure. What does that mean?

19 A. That means that it would be salaried positions.  
20 It would not be a warehouse worker.

21 Q. Okay, so this only applies to salaried?

22 A. That's correct.

23 Q. It doesn't apply to hourly?

24 A. That's correct.

25 Q. Is there a procedure that applies to hourly?

10 (Pages 37 to 40)

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1 A. I'm not positive if it's documented like this.  
 2 I can't answer that.  
 3 Q. Are consumer reports or background checks done  
 4 with respect to hourly employees?  
 5 A. Not credit.  
 6 Q. But otherwise?  
 7 A. Yes.  
 8 Q. And the forms that you were talking about  
 9 earlier, are those same forms used for --  
 10 A. Yes.  
 11 Q. -- those employees? Okay.  
 12 All right, let's look at this. Now,  
 13 in Section 3.0 there's some definitions there.  
 14 Can you help me with the TBNT, do you see that?  
 15 A. Yes.  
 16 Q. Can you explain what that is?  
 17 A. It's a letter to the applicant that basically  
 18 states, thank you for applying, but no thank  
 19 you, you're not selected for the position;  
 20 thanks but no thanks. This is just an internal  
 21 document, SOP, that we use for recruiting.  
 22 Q. But is that a document that's sent --  
 23 A. Yes.  
 24 Q. -- to a potential recruit?  
 25 A. That is correct.

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1 Q. Informing them that the company is not  
 2 interested.  
 3 A. That is correct.  
 4 Q. Okay. And there's a -- it says, JobLine, can  
 5 you tell me what that is?  
 6 A. That was an internal job line where you could  
 7 call and find out about the positions that we  
 8 had available.  
 9 Q. Okay. And that's for internal?  
 10 A. For ClosetMaid, in general.  
 11 Q. But that applies to employees of ClosetMaid?  
 12 A. That is correct.  
 13 Q. And, Intranet, what is that?  
 14 A. That is where we post jobs on ClosetMaid's  
 15 website.  
 16 Q. Well, the term, Intranet, what does that mean?  
 17 A. That's internal, intra. It's the ClosetMaid  
 18 website.  
 19 Q. And is that just to ClosetMaid or does that  
 20 include Emerson --  
 21 A. No.  
 22 Q. -- and its subsidiaries?  
 23 A. It's strictly ClosetMaid.  
 24 Q. Okay, let's go over to 5.3. This is entitled,  
 25 Creating a Position Folder/File. Can you

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1 explain what this is referring to?  
 2 A. Again, these are processes that I set up for my  
 3 recruiters.  
 4 Q. Okay.  
 5 A. And they're just to create a file with a  
 6 potential job.  
 7 Q. Okay.  
 8 A. That's exactly what it is, it's a folder.  
 9 Q. And that would include all the information  
 10 related to the recruiting of that -- for that  
 11 position?  
 12 A. That is correct.  
 13 Q. All applicants and other information gained  
 14 with respect to those applicants?  
 15 MS. DANAHER: Object to form. I  
 16 think it doesn't accurately reflect what she  
 17 just answered. It misstates her testimony.  
 18 But go ahead.  
 19 And I'll tell you specifically, I  
 20 think she said, position, and then you said,  
 21 applicants. So I'm concerned that you've  
 22 broadened out the definition.  
 23 But Cathy can handle that.  
 24 BY MR. PIETZ:  
 25 Q. Do you understand the question?

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1 A. Can you be more clear?  
 2 Q. Can you repeat the question?  
 3 ----  
 4 (The record was read back by the Reporter.)  
 5 ----  
 6 THE WITNESS: It is a folder that  
 7 includes resumes and applications for the  
 8 position.  
 9 BY MR. PIETZ:  
 10 Q. Okay. And it would include the  
 11 thanks-but-no-thanks letter, as well?  
 12 A. I don't know.  
 13 Q. Okay. Well, it says here, However, they are  
 14 required to maintain a thanks but no thanks  
 15 file of resumes in the front filing area for  
 16 each position.  
 17 Why is that done?  
 18 A. Once they have been eliminated from being a  
 19 potential candidate --  
 20 Q. Yeah.  
 21 A. -- then we send them a thanks-but-no-thanks  
 22 letter and we file it away for record  
 23 retention.  
 24 Q. Okay. Going back to this -- talking about this  
 25 document in general, you indicated it was

11 (Pages 41 to 44)

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1 created in 2006?  
 2 A. Apparently it was updated in 2006.  
 3 Q. Okay. Can you tell me what you -- and in 2006,  
 4 were you head of human resources?  
 5 A. Yes.  
 6 Q. Okay. Can you tell me what you -- the steps  
 7 you went through to update this document?  
 8 A. As I stated before, I work very closely with my  
 9 HR managers and we have very specific processes  
 10 in place in trying to continue to abide by the  
 11 law, just like we do.  
 12 And so at the time Mary Price was my  
 13 manager and we documented the steps that we go  
 14 through in recruiting. And once she -- since  
 15 she was closer to it, once she created this  
 16 document on the steps then she would work with  
 17 me, submit it to me, we would review it and  
 18 then we would train the recruiters at the time.  
 19 Q. And you said her name was Mary Brice?  
 20 A. Price.  
 21 Q. Price, okay. Is she still with the company?  
 22 A. No.  
 23 Q. Do you know where she is now?  
 24 A. Yes.  
 25 Q. And where is that?

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1 A. Ocala Recycling.  
 2 Q. So she was generally responsible for coming up  
 3 with this subject with your review and approval  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
 11 Q. This document.  
 12 [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 Q. No one at Emerson?  
 18 A. No.  
 19 Q. What did Mary Price do to come up with some of  
 20 the forms that were being used in connection  
 21 with this procedure for consumer -- for  
 22 obtaining consumer reports?  
 23 A. I would only be guessing, so I don't think  
 24 that's a fair answer.  
 25 Q. Did you contact her at all in connection with

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1 preparation for today's deposition?  
 2 A. No.  
 3 Q. Going on to Section 5.2. I note that there's,  
 4 in 5.2, what it refers to as some attachments,  
 5 5.2.2, 5.2.3, but they're not attached to this  
 6 document. Is there a reason for that?  
 7 A. 5.2.1 are job descriptions, and that would be  
 8 for every job that we have.  
 9 Q. I guess what I'm asking is, in italics it says,  
 10 See Attachment 5.2.2, but they're not attached.  
 11 A. Okay.  
 12 Q. Was that -- is there a reason for that?  
 13 A. Well, as I indicated, when we sit down with the  
 14 hiring manager I may have a piece of paper that  
 15 actually says, this is what I'm looking for for  
 16 this position.  
 17 Q. Um-hum.  
 18 A. So that is a recruitment plan. They then have  
 19 to determine where I need to post the job.  
 20 Q. I understand?  
 21 A. Such as Monster.com.  
 22 Q. I see. Okay. I'm just trying to understand  
 23 why --  
 24 A. Because they're individual documents.  
 25 Q. It's an individual document.

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1 A. It's an individual document or recruitment  
 2 plan.  
 3 Q. [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 Q. And that is the marketing department for whom?  
 18 A. Our marketing department working with Emerson's  
 19 marketing department.  
 20 Q. And do you know the reason for that?  
 21 A. Branding.  
 22 Q. I don't understand what that means, branding.  
 23 Why -- what is that -- I don't work in  
 24 advertising, maybe you could help me.  
 25 A. Brand recognition.

12 (Pages 45 to 48)